



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

## Facsimile Transmittal Cover Sheet

To: A. Gibbs Fax: 408 720 8383  
From: R. Pezzuto Date: 1/28/04  
Re: \_\_\_\_\_ Pages: \_\_\_\_\_  
CC: \_\_\_\_\_

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Notes

The letter pen our  
conversation.

Bob Pezzuto

BEST AVAILABLE COPY

CONFIDENTIAL

Application/Control Number: 09/717,433  
Art Unit: 3671

Page 2

Blakely, Sokoloff, Taylor and Zafman LLP  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025-1026  
Attn: Andre Gibbs

January 17, 2004

Mr. Gibbs,

This letter is to confirm the conversation that we regarding application serial numeral 09/717,433. As per our conversation, I intend to vacate the outstanding Final rejection and send a new, non-final rejection better setting forth my understanding of the cited reference. Because of the vacation of the outstanding office action, there is no response required from your office.

If I can be of any further assistance or answer any questions, please feel free to call me at (703) 308-1012.

Respectfully,



Robert Pezzuto  
Primary Examiner  
January 17, 2004

BEST AVAILABLE COPY